

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Larry James Tyler,

Plaintiff,

v.

James E. Thomas,

Defendant.

Civil Action No.: 4:12-1435-RMG

ORDER

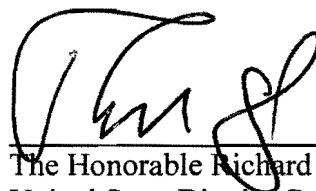
Plaintiff brings this *pro se* action seeking relief pursuant to 42 U.S.C. § 1983. This case was automatically referred to the United States Magistrate Judge, the Honorable Bristow Marchant, for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Plaintiff alleges that the Defendant, Judge James E. Thomas, a South Carolina magistrate, “prejudged” him because of the charges against Plaintiff and set his bond “exorbitantly high.” (Dkt. No. 1 at 4). Plaintiff asks that the Court put him before a judicial officer who will not be prejudiced and will set his bond without bias and also that this Court discipline Judge Thomas. *Id.*

Judge Marchant has issued a Report and Recommendation recommending that this Court summarily dismiss Plaintiff’s complaint without prejudice and without issuance and service of process. (Dkt. No. 8). The parties were advised that any objections to the Report and Recommendation must be filed in writing within 14 days of service of the Report and Recommendation or face limited review by the District Court and waiver of the right of appeal. *See* Dkt. No. 8 at 5; *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Notwithstanding these

instructions, Plaintiff failed to file any written objections to the Magistrate Judge's Report and Recommendation.

The Court has reviewed the record in this matter, the Report and Recommendation and the applicable law and hereby finds that the Report and Recommendation accurately summarizes the applicable factual and legal issues in the matter before this Court. Therefore, the Court hereby adopts the Report and Recommendation as the order of this Court. (Dkt. No. 8). For the reasons articulated by the Judge Marchant, it is hereby **ORDERED** that Plaintiff's complaint be dismissed without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

The Honorable Richard Mark Gergel
United State District Court Judge

Charleston, South Carolina
July 27, 2012